

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Action Case No. 4:17-cv-00472
	)	
v.	)	
	)	
SUBSCRIBER 81254,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF’S SECOND MOTION FOR EXTENSION OF TIME WITHIN WHICH IT  
HAS TO SERVE DEFENDANT WITH A SUMMONS AND AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to serve Defendant with a Summons and Amended Complaint, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their internet service provider (“ISP”).

2. On April 21, 2017, Plaintiff was granted leave to serve a third party subpoena on Defendant’s ISP, AT&T U-verse, to obtain the Defendant’s identifying information [CM/ECF 13]. Plaintiff issued the subpoena on or about April 24, 2017, and received the ISP’s response on or about June 5, 2017.

3. Prior to Plaintiff’s receipt of Defendant’s identifying information, Defendant’s counsel, Robert Cashman, Esq., contacted the undersigned regarding initiating settlement negotiations. Settlement negotiations are currently ongoing.

4. Pursuant to this Court's April 21, 2017 Order, Plaintiff is required to effectuate service on the Defendant no later than June 20, 2017 [CM/ECF 12].

5. Procedurally, Plaintiff respectfully requests that the time within it must effectuate service of a summons and Amended Complaint on Defendant is extended an additional thirty-five (35) days, or until July 25, 2017. This extension should allow Plaintiff sufficient time to either finalize the settlement negotiations or amend the Complaint and serve the Defendant.

6. Plaintiff files this Motion in good faith to enable Plaintiff to proceed with its lawsuit while maintaining compliance with all applicable rules. This motion is not filed for any improper purposes, such as to delay, and Plaintiff's requested extension will neither prejudice the Court nor the parties.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service on the summons and Amended Complaint on the Defendant be extended until July 25, 2017. A proposed order is attached for the Court's convenience.

Dated: June 20, 2017

Respectfully submitted,

**LOWENBERG LAW FIRM, PLLC**  
By: /s/ Andrew D. Kumar  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 2017 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Andrew D. Kumar  
ANDREW D. KUMAR, ESQ.